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The Honorable Robert S. Lasnik

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 THE COALITION TO PROTECT PUGET SOUND  
11 HABITAT,

Case No. 2:16-CV-00950-RSL

12 Plaintiff,

13 v.

14 U.S. ARMY CORPS OF ENGINEERS, *et al.*,

15 Defendants, and  
16 TAYLOR SHELLFISH COMPANY, INC.,  
17 Defendant-Intervenor.

DECLARATION OF PAUL  
KAMPMEIER IN SUPPORT OF  
PLAINTIFF'S MOTIONS FOR AN  
AWARD OF COSTS AND  
ATTORNEYS' FEES

18 1. My name is Paul A. Kampmeier. I am over the age of 18 and I have personal  
19 knowledge of the matters contained in this Declaration. I submit this Declaration in support of  
20 the motion for an award of litigation expenses, costs, and attorneys' fees submitted by the  
21 Coalition to Protect Puget Sound Habitat (the Coalition) in case number 2:16-CV-00950-RSL. I  
22 make this Declaration based on personal knowledge and I am competent to testify to the matters  
23 contained herein if necessary.

24  
25 **MY BACKGROUND**  
26

27 2. Attached as Exhibit A to this Declaration is a true and correct copy of my current  
28 resume.

1       3. I received a Bachelor of Arts degree from the University of Michigan (Ann  
 2 Arbor) in 1992 (with Honors) and received my Juris Doctor degree from the University of Wash-  
 3 ington School of Law in 2001 (with Honors, Order of the Coif). During law school I completed  
 4 the Concentration in Environmental Law.

5       4. I am an attorney and am employed by my law firm, Kampmeier & Knutsen,  
 6 PLLC, of which I am a co-owner. I have been licensed to practice law in the state courts of the  
 7 State of Washington since 2001. I am also a member of the Supreme Court of the United States  
 8 (admitted 2011); the U.S. Court of Appeals for the Ninth Circuit (admitted 2002); the U.S.  
 9 District Court for the Eastern District of Washington (admitted 2002); and the U.S. District Court  
 10 for the Western District of Washington (admitted 2001). I am a member in good standing of each  
 11 court to which I have been admitted.

12       5. I work virtually full time on issues involving state and federal environmental laws  
 13 and have done so for nearly twenty years. Since my admission to the bar in 2001 I have focused  
 14 my legal practice on enforcing and litigating under federal environmental law, especially the  
 15 federal Clean Water Act (CWA) and the federal Endangered Species Act (ESA). I also have  
 16 significant experience challenging federal agency decisions under the federal Administrative  
 17 Procedure Act (APA) and alleging violations of the National Environmental Policy Act (NEPA),  
 18 the ESA, the CWA, and other federal environmental laws. Because my clients often need  
 19 assistance obtaining public records from state and federal agencies, I also represent them in  
 20 public records cases under the Freedom of Information Act (FOIA) and Washington's Public  
 21 Records Act, when requested. My current practice focuses on federal environmental litigation  
 22 under the ESA, the CWA, the APA, the FOIA, and federal coastal zone laws.

23       6. I have often lectured on environmental litigation at the University of Washington  
 24 School of Law and the Seattle University School of Law. I have also lectured at Lewis and Clark  
 25

Law School in Portland, Oregon; Stanford Law School; Harvard Law School; and at Continuing Legal Education seminars in Oregon and Washington.

7. I have obtained or helped to obtain numerous precedential and published decisions for my clients under the CWA, the ESA, the APA, and the FOIA. *See Okanogan Highlands Alliance, et al. v. Crown Resources Corporation, et al.*, No. 2:20-cv-00147-RMP (E.D. Wash.) (June 17, 2021), 2021 WL \_\_\_\_, 2021 U.S. Dist. LEXIS 113923 (CWA case); *Okanogan Highlands Alliance, et al. v. Crown Resources Corporation, et al.*, No. 2:20-cv-00147-RMP (E.D. Wash.) (February 19, 2021), 2021 WL 664837, 2021 U.S. Dist. LEXIS 31659 (CWA case); *Okanogan Highlands All. v. Crown Res. Corp.*, 492 F. Supp. 3d 1149 (E.D. Wash. 2020) (CWA case); *Wild Fish Conservancy v. Cooke Aquaculture Pac. LLC*, No. C17-1708-JCC, 2019 U.S. Dist. LEXIS 204382 (W.D. Wash. Nov. 25, 2019) (CWA case); *Friends of the Earth v. U.S. Army Corps of Eng'rs*, 374 F. Supp. 3d 1045 (W.D. Wash. 2019) (FOIA case); *Olympic Forest Coal. v. Coast Seafoods Co.*, No. C16-5068RBL, 2016 U.S. Dist. LEXIS 72919 (W.D. Wash. June 3, 2016), *affirmed*, 884 F.3d 901 (9th Cir. 2018) (CWA case); *Nw. Envtl. Advocates v. U.S. Dep't of Commerce*, 283 F. Supp. 3d 982 (W.D. Wash. 2017) (ESA/CWA/APA case); *Nw. Envtl. Advocates v. U.S. Dep't of Commerce*, No. C16-1866-JCC, 2017 U.S. Dist. LEXIS 185295 (W.D. Wash. Nov. 8, 2017) (ESA/CWA/APA case); *Ctr. for Envtl. Law & Policy v. United States Fish & Wildlife Serv.*, 228 F. Supp. 3d 1152 (E.D. Wash. 2017) (CWA case); *Klamath-Siskiyou Wildlands Ctr. v. Nat'l Oceanic & Atmospheric Admin.*, 99 F. Supp. 3d 1033 (N.D. Cal. 2015) (ESA/APA case); *Klamath-Siskiyou Wildlands Ctr. v. Nat'l Oceanic & Atmospheric Admin. Nat'l Marine Fisheries Serv.*, 109 F. Supp. 3d 1238 (N.D. Cal. 2015) (ESA/APA case); *Nw. Envtl. Def. Ctr. v. Decker*, 728 F.3d 1085 (9th Cir. 2013) (CWA case); *Sierra Club v. Salazar*, 961 F. Supp. 2d 1172 (W.D. Wash. 2013) (ESA/APA case); *Audubon Soc'y of Portland v. U.S. Nat. Res. Conservation Serv.*, 841 F. Supp. 2d 1182 (D. Or.

1 2012) (FOIA case); *Carpenters Industrial Council v. Salazar*, 734 F.Supp.2d 126 (D.D.C. 2010)  
 2 (ESA/APA case); *Seattle Audubon Soc'y v. Sutherland*, No. CV06-1608MJP, 2007 U.S. Dist.  
 3 LEXIS 31880 (W.D. Wash. May 2, 2007) (ESA case); *Seattle Audubon Soc'y v. Sutherland*, No.  
 4 C06-1608MJP, 2007 U.S. Dist. LEXIS 55940 (W.D. Wash. Aug. 1, 2007) (ESA case); *Satsop*  
 5 *Valley Homeowners Association v. Northwest Rock*, 126 Wash. App. 536, 108 P.3d 1247 (Div. II  
 6 2005); *Weber v. P&D Development*, 122 Wash. App. 1028 (Div. II 2004).

8. As a result of litigating cases that arise under federal environmental statutes and  
 9 involve the United States of America as a defendant, I am very familiar with the relevant  
 10 statutory, regulatory, and permitting requirements, as well as the work that counsel must perform  
 11 to ably prosecute such cases. Additionally, as a result of litigating cases that arise under federal  
 12 environmental statutes, I have become knowledgeable of: (a) the expertise required to prosecute  
 13 such cases successfully; (b) the availability of counsel in the Pacific Northwest who possess the  
 14 expertise necessary to litigate such cases; and (c) the prevailing market rates for counsel who  
 15 possess such expertise.

9. Based on my experience practicing law, environmental litigation is an identifiable  
 10 practice specialty that requires distinctive knowledge of pertinent statutes, complex regulatory  
 11 schemes, case law, scientific principles, industrial and agricultural operations, and environmental  
 12 issues in the Pacific Northwest.

10. In my experience, the availability of attorneys in the Seattle area who have  
 11 expertise in federal environmental law and are willing to accept cases on behalf of environmental  
 12 protection organizations, rather than regulated entities, is very limited. Furthermore, the few  
 13 attorneys in the Seattle area who have the requisite expertise tend to be very busy, so that  
 14 environmental organizations looking for litigation counsel are often unable to litigate cases that  
 15

1 they otherwise would, and for those cases that do go forward they are often forced to hire  
 2 attorneys from other locations.

3       11. Both in my capacity as a lawyer who routinely represents non-profit  
 4 environmental organizations, and in my capacity as a past or present volunteer for organizations  
 5 like the Washington Environmental Council, Puget Soundkeeper Alliance, and the Olympic  
 6 Forest Coalition, I have regularly witnessed non-profit environmental organizations being unable  
 7 to pursue cases they wish to pursue because they cannot find attorneys with the requisite  
 8 expertise who also have time to take on the case. Similarly, in my past capacity as an attorney at  
 9 the Washington Forest Law Center, where I worked for more than a decade, I often had to  
 10 inform potential clients that I could not take their case because I did not have the time. Because  
 11 of the unavailability of environmental attorneys in the Seattle area, I often refer these potential  
 12 clients to lawyers in other cities in the Pacific Northwest.

15       12. Since 2001 I have litigated numerous environmental cases in the U.S. District  
 16 Court for the Western District of Washington. Because of that I am familiar with local  
 17 conventions and expectations for the practice of law in this district. Additionally, as part of my  
 18 work for my clients I often settle my clients' claims for costs and attorneys' fees. As part of that  
 19 work, I keep myself knowledgeable about reasonable market rates for attorneys with various  
 20 experience levels by reading attorney fee decisions and talking with my colleagues in the  
 21 environmental litigation community. Indeed, my business partner and I set our law firm's hourly  
 22 rates after discussions with other attorneys in the Seattle-Tacoma area that have knowledge of  
 23 the hourly rates for attorneys in the region specializing in federal environmental litigation. I also  
 24 learn what hourly rates clients and opposing counsel consider reasonable and acceptable in the  
 25 course of negotiating cost and fee settlements on behalf of my clients, which I do routinely.

## 1 MY OPINIONS ON HOURLY RATES

2 13. I have been asked to provide my opinions about the reasonableness of the hours  
3 expended, the reasonableness of counsels' hourly rates, and the compensation sought for the  
4 above-captioned case. In addition to the materials mentioned below, in coming to the  
5 conclusions I have reached in this declaration I have reviewed the following documents: the  
6 Court's October 10, 2019 Order finding that the Corps violated the CWA, NEPA, and the APA;  
7 the Court's June 11, 2020 Order on remedy; the U.S. Court of Appeals for the Ninth Circuit's  
8 February 11, 2021 Order affirming this Court's rulings on the merits and relief; the Coalition's  
9 winning motion for summary judgment and related briefing in response and reply; the  
10 Coalition's September 18, 2020 motion for an award of costs and fees; the declarations of Karl  
11 G. Anuta, Thane Tienson, and Mike Sargetakis filed in September 2020 in support of the  
12 Coalition's fee motion, including the detailed timesheets and summaries attached to the Anuta  
13 declaration; a fee petition and some of the supporting declarations I filed with this Court earlier  
14 this year in *Northwest Environmental Advocates v. U.S. Department of Commerce, et al.*, W.D.  
15 Washington Case No. 2:16-cv-01866-JCC, a case against the United States of America under the  
16 CWA, APA, and ESA; the docket reports for the three cases challenging the U.S. Army Corps of  
17 Engineers' issuance of Nationwide Permit 48; the June 8, 2021 Declaration of Thomas A.  
18 Newlon, to be filed in this case in support of the Coalition's fee petition; correspondence  
19 between counsel for Plaintiffs and Defendants regarding costs and attorneys' fees; a draft of the  
20 supplemental declaration of Karl G. Anuta to be filed in support of the Coalition's fee petition,  
21 sent to me on June 29, 2021; a draft of the supplemental fee petition to be filed in this case, also  
22 sent to me on June 29, 2021; and updated timesheets that included Plaintiff's attorney time  
23 through June 29, 2021.  
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1       14. Because the plaintiff-side environmental bar in the Pacific Northwest is a small  
 2 community of people, I am familiar with the expertise and reputation of Karl G. Anuta, one of  
 3 the attorneys for Plaintiff in this case. I believe Mr. Anuta's legal practice is similar to that of my  
 4 own firm in its focus on representation of environmental plaintiffs, typically individuals or  
 5 community/conservation groups, in environmental litigation. Additionally, I believe Mr. Anuta is  
 6 a long-serving member of the board of directors of Northwest Environmental Defense Center  
 7 (NEDC), an organization that routinely brings CWA citizen lawsuits. I have represented NEDC  
 8 in various matters for over fifteen years; however, as far as I can recall I have never discussed  
 9 NEDC business with Mr. Anuta or been at a meeting, other than perhaps a Continuing Legal  
 10 Education seminar, at which Mr. Anuta was present. My law firm and Mr. Anuta's law firm also  
 11 each represent named plaintiffs in an environmental air pollution-related class action lawsuit in  
 12 Oregon state court, and I believe our firms have coordinated work in that lawsuit. I have,  
 13 however, no close personal relationship with Mr. Anuta, and I have never co-counseled a case  
 14 with him or personally worked with him in any capacity until I was retained on this matter to  
 15 review the fee and case related records.

16       15. I view Mr. Anuta as an outstanding attorney that can effectively represent clients  
 17 in difficult cases under federal environmental law. Mr. Anuta is very well-regarded in Oregon  
 18 and Washington and has an excellent reputation as an effective environmental litigator with a  
 19 wide range of experience and a particular expertise with the CWA. Mr. Anuta is also known as  
 20 an advocate who understands non-profit environmental organizations and how to represent them  
 21 effectively in environmental cases. Because non-profit environmental organizations can rarely  
 22 afford to pay attorneys by the hour, counsel for environmental plaintiffs must usually recover all  
 23 or most of their attorneys' fees from defendants at the end of a case after winning or favorably  
 24 settling the case. Such cases therefore require attorneys to develop litigation strategies that avoid  
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1 unnecessary costs, which nonprofit organizations often cannot afford, and that maximize the  
2 chance of winning a case while minimizing to the extent possible the attorney time a law firm  
3 invests in a case. Such cases are very risky for the attorneys taking them on because one can only  
4 prevail, and hence get paid, if the attorneys *fully* understand the statutes involved and the practice  
5 of environmental litigation. One must also understand the science and facts that will be at issue  
6 in or affect the litigation. Moreover, if an attorney cannot or does not win consistently they  
7 simply cannot continue in the practice area. For these reasons, the fact that Mr. Anuta has been  
8 practicing public interest environmental law for nearly thirty years is an extremely strong  
9 testament to his knowledge of federal environmental law, and his judgment, skill, knowledge,  
10 reputation, and expertise in the practice area.

12       16. The Coalition seeks compensation for Mr. Anuta's time at the rate of \$640 per  
13 hour for work performed from 2013 through 2021. I have reviewed the Declaration of Mr. Anuta  
14 that the Coalition is submitting in support of its fee petition, which explains the work Mr. Anuta  
15 did on this case. Based on those materials, the materials listed above, what I know of Seattle  
16 market rates for attorneys with similar experience and expertise, and what I know of Mr. Anuta's  
17 experience, reputation, and work history, I conclude this hourly rate is reasonable for a lawyer of  
18 Mr. Anuta's experience and expertise in the Seattle area.

20       17. The Coalition seeks compensation for Mr. Tienson's time at the rate of \$650 per  
21 hour for work performed from 2013 through 2021. I have reviewed the Declaration of Mr.  
22 Tienson that the Coalition is submitting in support of its fee petition, including especially his  
23 resume and its documentation of Mr. Tienson's extensive work on environmental legal issues  
24 over the past 40 years, which explains the work Mr. Tienson did on this case. Based on those  
25 materials, the materials listed above, and what I know of Seattle market rates for attorneys with  
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1 similar experience and expertise, I conclude this hourly rate is reasonable for a lawyer of Mr.  
 2 Tienson's experience and expertise in the Seattle area.

3       18. The Coalition seeks compensation for Mr. Sargetakis's time at the rate of \$300  
 4 per hour for work performed from 2018 through 2021. I have reviewed the Declaration of Mr.  
 5 Sargetakis that the Coalition is submitting in support of its fee petition, as well as the website of  
 6 Mr. Sargetakis's law firm. Based on those materials, the materials listed above, and what I know  
 7 of Seattle market rates for attorneys with similar experience and expertise, I conclude this hourly  
 8 rate is reasonable for a lawyer of Mr. Sargetakis's experience and expertise in the Seattle area.

9       19. Plaintiff's counsels' hourly rates are reasonable in my opinion even though the  
 10 Coalition's attorneys seek the same hourly rate for all the years in which they completed work on  
 11 the case. In my experience, attorneys practicing environmental law in this area usually raise their  
 12 hourly rates each year they add experience and expertise to their practice. Given that, and what I  
 13 know of Seattle market rates, I believe the hourly rates Mr. Anuta and Mr. Tienson are seeking  
 14 are reasonable average hourly rates for the time periods in question.

15       20. As to Mr. Sargetakis, I believe \$300 per hour is a reasonable hourly rate for his  
 16 time from 2018 to present because although that rate may be a little high for the years 2018 and  
 17 2019, I think it is a little low for the years 2020 and 2021, when Mr. Sargetakis had three and  
 18 four years of practice experience, respectively. Central to my view of the reasonableness of Mr.  
 19 Sargetakis's hourly rate is his testimony, in the fee declaration he filed with the court in  
 20 September 2020, that he earned a Certificate in Natural Resource Law when he graduated from  
 21 law school and that he worked with Earthrise Law Center and Mr. Anuta on environmental cases  
 22 in 2015 and 2016 before he was admitted to practice in 2017. In my view those facts allow him  
 23 to charge at the higher end of hourly rates for his level of experience.

## 1 MY OPINIONS ON THE HOURS EXPENDED

2 21. In my opinion, Plaintiffs' successful challenges to Nationwide Permit 48  
3 absolutely required counsel with extensive experience, special expertise, familiarity with  
4 environmental litigation under the CWA, the APA, and NEPA, and a long familiarity with  
5 environmental issues in the Pacific Northwest. Over the course of my career, I have watched  
6 both inexperienced and experienced attorneys struggle with federal environmental cases because  
7 of the complexity of the statutes and case law and, when the defendants are federal agencies, the  
8 power and resources of the United States of America. Beating the United States in court is no  
9 small task—even with the best facts and favorable case law—because there are various defenses  
10 available to the federal government (and only the federal government) and the procedural posture  
11 of such cases is challenging. The United States controls the decision-making process, the  
12 information it considers in making decisions, and the form, timing, and content of final agency  
13 actions. The United States largely controls the contents of the administrative record submitted to  
14 the courts, which often limits the scope of judicial review of federal agency action. The United  
15 States often asks for and receives judicial deference on legal questions within the purview of the  
16 defendant agencies. The United States often retracts challenged decisions when a plaintiff's  
17 victory appears likely, which can preclude plaintiffs from recovering costs and attorneys' fees  
18 and discourage future representation in similar cases. The United States usually has several  
19 attorneys from the U.S. Department of Justice, plus several other attorneys from within each  
20 defendant agency, work on defending a case. And groups representing affected industries often  
21 intervene to defend the federal action at issue, as was the case in this litigation. That adds even  
22 more attorneys to the defense side of the case, increasing the communication and coordination  
23 work plaintiff's counsel must do, and adding more briefs and arguments to address in  
24 presentations to the Court.  
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1       22. A plaintiff's attorney that wants to win in court against the United States has to  
 2 navigate all these issues and then also meet plaintiff's burden to establish standing, liability, and  
 3 entitlement to relief. Knowing how to do this not only requires experience and expertise with  
 4 complex environmental laws, it also requires plaintiff's counsel to dedicate far more hours in an  
 5 APA/NEPA/CWA case against the government than they would otherwise normally dedicate to  
 6 some other case against some other defendant. This is because the United States simply is not the  
 7 same as other defendants. To win such a case, one has to build a litigation plan ahead of time that  
 8 will navigate all the obstacles, and survive judicial scrutiny, and then one has to *stay* committed  
 9 throughout the three to seven years of the case—usually without getting paid along the way—in  
 10 order to prevail.

12       23. Plaintiff's counsel in this case did just that and should be commended and  
 13 compensated fully for their efforts. That Plaintiff's counsel did not face a motion to dismiss, and  
 14 that they moved rather directly to cross-motions for summary judgment on the merits, which  
 15 they won, demonstrates that counsels' pre-complaint investigations, legal research, and case  
 16 management decisions were extremely effective at identifying and pursuing a winning litigation  
 17 strategy. Indeed, if this case appeared straight-forward to the Court, it is not because it started out  
 18 that way, but rather because Plaintiff's counsel took a complicated, amorphous set of  
 19 circumstances and did the very extensive and thoughtful work necessary to presenting a clear and  
 20 persuasive case to the Court.

23       24. In my opinion, one factor that is critical to evaluating the reasonableness of the  
 24 fee in cases against the United States is the fact that, if they prevail, a plaintiff's requested fee  
 25 will be heavily scrutinized *by the losing attorney*. That attorney is often unhappy about losing,  
 26 and their client (the United States) has a vested interest in driving the fees down no matter how  
 27 reasonable a plaintiff's fee request may be. Additionally, the attorneys for the federal agencies

1 usually have zero years of experience as a plaintiff's attorney in environmental cases against the  
 2 United States, meaning they have no actual experience trying to win cases against federal  
 3 agencies and, consequently, little to no understanding of what it takes to accomplish that task.  
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5       25. I believe courts should be extremely reluctant to accept defense counsel's  
 6 objections to Plaintiff's counsel's timesheet entries unless and until defense counsel establish  
 7 with admissible evidence that they or their expert have relevant experience as counsel for non-  
 8 profit plaintiffs trying to win environmental cases against the United States. I also believe courts  
 9 should give significant weight to the testimony of the winning plaintiff; they are much closer to  
 10 the litigation and understand far better the complexity of the litigation, and the great work that  
 11 was done to win the case, because they actually witnessed their attorneys' work ethic, exercise of  
 12 judgment, and professionalism as the case proceeded. In any event, in my view, the often  
 13 contingent nature of the fee and counsel's understanding that the fee will be vigorously contested  
 14 by a losing opponent who almost certainly has no experience as an environmental plaintiff's  
 15 attorney almost always drives plaintiff's counsel in such cases to work hard up front to identify a  
 16 winning strategy and then to do only the work necessary to implementing that strategy, while at  
 17 the same time avoiding work that does not advance that strategy whenever possible.  
 18

19       26. In my opinion Plaintiffs and their counsel achieved excellent results in this case.  
 20 The results are excellent because Plaintiffs achieved the primary goals of the litigation: (i)  
 21 invalidation of Nationwide Permit 48; (ii) an injunction largely prohibiting projects authorized  
 22 by that permit from proceeding until the Corps issues new and valid permits for each project; and  
 23 (iii) the issuance of judicial opinions that the Corps must (if acting lawfully) now heed in any  
 24 environmental review of future permits. The Plaintiffs' success on these points greatly enhances  
 25 the likelihood that the Corps will actually review and consider the individual and cumulative  
 26 impacts associated with aquaculture in the State of Washington. This relief would be excellent if  
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1 the permit authorized only one or just a few aquaculture projects. It is doubly so, or more,  
 2 because here there are many hundreds of verifications the Corps has issued under Nationwide  
 3 Permit 48 over the last several years. All of those should now be subject to more thorough  
 4 environmental review and potentially a more rigorous CWA permit.

5       27.     Additionally, in my opinion counsel for the Coalition worked very efficiently  
 6 throughout the case. First, the docket report from the U.S. District Court for case number 2:16-  
 7 CV-00950-RSL does not show extensive motions practice or that Plaintiff's counsel litigated  
 8 issues that did not need to be litigated. Second, although Plaintiff may have had some claims that  
 9 are standard civil claims subject to the normal disclosure and discovery rules, the parties' early  
 10 joint status report and proposed case schedule explains that Mr. Anuta and his co-counsel  
 11 deferred time-consuming discovery and expert witness testimony until after their review of the  
 12 administrative record. After completing that review, Plaintiffs moved for—and prevailed on—  
 13 summary judgment on a subset of their claims, which both demonstrates their ability to focus  
 14 their arguments on winning claims and their willingness to avoid discovery and expert witness  
 15 work unless absolutely necessary to the case. Third, the September 2020 declaration of Karl G.  
 16 Anuta, submitted in support of the Coalition's fee petition, documents extensive use of law  
 17 clerks and associate attorneys to conduct legal research, to review what I understand was a  
 18 lengthy administrative record, and to assist with oral argument preparations. All of that work  
 19 reduced the overall attorney fee for the case without preventing Plaintiff from achieving a sound  
 20 victory. Fourth, Plaintiff's counsel also agreed to bifurcate liability and relief, which again  
 21 demonstrates their commitment to focusing attorney time on that which needs to be done and  
 22 deferring work if and where possible.

23       28.     Based on my review of Plaintiff's counsels' timesheets, the papers I read from  
 24 this case, and my experience litigating federal environmental cases in this district and elsewhere,  
 25

1 I believe the time Plaintiff's counsel expended on this case and for which the Coalition seeks  
 2 compensation was reasonably incurred and necessary to the results achieved. In my view, the  
 3 quality of the pre-complaint work was both reasonable and necessary—indeed outstanding—  
 4 because Plaintiff avoided a motion to dismiss and ultimately won the case and obtained the relief  
 5 they sought.

6  
 7 29. Plaintiff's counsel also efficiently and ably managed the case to avoid  
 8 unnecessary motions practice and lengthy delays, all of which increases attorney time in the case.  
 9 The amount of time spent moving for summary judgment, organizing and presenting the  
 10 extensive evidence (including declarations and numerous exhibits) supporting that motion,  
 11 responding to Defendants' and Intervenors' lengthy and detailed opposition briefing, and then  
 12 preparing for and presenting argument at the various hearings was also reasonable and necessary.  
 13 NEPA and CWA cases often involve very detailed evaluations of environmental impacts and  
 14 permit terms, as well as detailed assessments of the facts necessary to evaluate whether a federal  
 15 defendant considered all relevant impacts when it conducted the environmental review prior to  
 16 issuing the permit. The papers filed with this Court and counsels' timesheets reflect the detailed  
 17 nature of the dispute in this case. Moreover, it appears to me from my review of the timesheets  
 18 that Plaintiff's counsel did not unnecessarily duplicate work but rather organized the attorney  
 19 and assistant time to avoid that.

20  
 21 30. I am of the opinion that all the hours that Mr. Anuta and his team of attorneys,  
 22 law clerks, and paralegals expended on this case, and for which they seek compensation, were  
 23 reasonable and necessary for the case. This was a trailblazing, difficult, important, and  
 24 precedent-setting case without a blueprint that Plaintiff's counsel could follow from case  
 25 initiation to judgment. This was not a routine enforcement action or a case easily dictated by  
 26 precedent, but one driven by the facts of the case and the extent of detailed environmental review  
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1 by the defendants. Plaintiff's counsel has also exercised billing judgment and chosen not to seek  
 2 compensation for a significant number of hours they worked on the case, which further reduces  
 3 the overall fee requested.

4       31.     The attorney time and fees for this case are also reasonable because Mr. Anuta  
 5 and his team appear to have worked very hard to manage the case without unnecessary  
 6 redundancy of attorney work. Their timesheets demonstrate they conferred regularly and that  
 7 they assigned work to attorneys or clerks with the appropriate skills and experience for the work.  
 8 Some redundancy is necessary: supervising attorneys need to review associate attorney and law  
 9 clerk work; attorneys need to confer on the telephone to plan and execute projects; and even  
 10 seasoned attorneys benefit from having others review written work product before filing it with  
 11 the Court. I believe the overall fee in this case is smaller than it would have been because Mr.  
 12 Anuta and Mr. Tienson assigned work they would otherwise do, at higher hourly rates, to  
 13 associate attorneys and law clerks who bill at lower rates.

14       32.     The hourly rates, hours expended, and overall fee requested by Plaintiffs in this  
 15 case are reasonable. It was reasonable for Plaintiff's counsel to do the work they did; they spent  
 16 reasonable amounts of time on the tasks they needed to complete; and they achieved excellent  
 17 results for their clients. The overall fee sought is also within the range of reasonable fees for  
 18 cases of this type. In my opinion Plaintiff should receive a fully compensatory fee award.

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1       33. I spent at least 16.4 hours reviewing materials, speaking with plaintiff's counsel,  
2 and preparing this Declaration for the Coalition. The market rate from my time is \$490 per hour.  
3

4       Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
5 and correct to the best of my knowledge and belief.  
6

7       Executed this 30th day of June 2021 at Seattle, Washington.  
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9       s/Paul A. Kampmeier  
10      Paul A. Kampmeier  
11      WSBA #31560  
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# Exhibit A

**PAUL AUGUST KAMPMEIER**

811 First Avenue, Suite 468 \* Seattle, Washington 98104 \* (206) 858-6983

**WORK EXPERIENCE**

**Kampmeier & Knutsen, PLLC**, Seattle, Washington, *Member and Attorney*, June 2015 – present.

- \* Practice focuses on representing non-profit organizations in litigation and advocacy to enhance protection for wildlife, clean water, and the environment in Washington and Oregon.
- \* Areas of federal practice include the Clean Water Act, Endangered Species Act, Administrative Procedure Act, National Environmental Policy Act, Coastal Zone Act Reauthorization Amendments of 1990, and Freedom of Information Act.
- \* Areas of state law practice include the Washington Administrative Procedure Act, Forest Practices Act, State Environmental Policy Act, Public Disclosure Act, and state land use law.
- \* Clients include Northwest Environmental Advocates, Northwest Environmental Defense Center, Olympic Forest Coalition, Wild Fish Conservancy, Okanogan Highlands Alliance, Friends of the Earth, Oregon Wild, Conservation Northwest, and WildEarth Guardians.

**Washington Forest Law Center**, Seattle, Washington, *Attorney at law*, January 2005 – June 2016.

- \* Practice focused on representing non-profit organizations in litigation and advocacy to enhance protection for wildlife, forests, and clean water on state and private timberlands in Washington and Oregon.
- \* Responsible for all aspects of legal representation including client relations, identification of issues and desired remedies, legal strategy, political advocacy, factual and legal research, record development, all aspects of litigation and appellate work, settlement negotiations, and media.
- \* Extensive experience working to address water pollution, degradation of salmon habitat, and protection and recovery of northern spotted owls and marbled murrelets.
- \* Notable cases include *Decker v. Northwest Environmental Defense Center*, -- U.S. --, 133 S.Ct. 1326 (2013) (Clean Water Act case concerning logging road pollution; lead counsel from case inception through the petition for certiorari proceedings; co-lead counsel at the U.S. Supreme Court) and *Seattle Audubon Society v. Sutherland*, W.D. Wash. Case No. 06-1608-MJP (Endangered Species Act case concerning alleged taking of northern spotted owls by the Weyerhaeuser Company and the State of Washington; co-lead counsel through four-day preliminary injunction hearing and subsequent settlement).
- \* Representative clients included Sierra Club, Northwest Environmental Defense Center, Olympic Forest Coalition, Seattle Audubon Society, and the Quinault Indian Nation.

**Smith & Lowney, PLLC**, Seattle, Washington, *Attorney at law (Of counsel)*, Oct. 2001 – Dec. 2004.

- \* Represented non-profit organizations and citizens in public interest environmental, land use, public disclosure, and consumer protection litigation, including in numerous cases under the federal Clean Water Act and Endangered Species Act.
- \* Significant lead counsel experience; in most cases responsible for all aspects of legal representation.
- \* Co-counsel on numerous consumer protection class action lawsuits, including the *Artificially Colored Farmed Salmon* cases.
- \* Briefed and argued three cases before the Washington State Court of Appeals (won two).
- \* Representative clients included Washington Toxics Coalition, Puget Soundkeeper Alliance, People for Puget Sound, the Center for Environmental Law & Policy, and the Satsop Valley Homeowners Association.

**Taichung YMCA**, Taichung, Taiwan, Republic of China, *English Teacher*, Sept. 1995 – Jan. 1997.

**Jeflion Investment Company**, Wilmington, Delaware, *Account Supervisor*, Sept. 1993 – May 1995.

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## **EDUCATION**

**University of Washington School of Law**, Seattle, Washington, *Juris Doctor*, June 2001.

- \* Graduated with Honors (top 10% of class, *Order of the Coif*).
- \* Completed the *Concentration in Environmental Law*.
- \* Washington Environmental Council, Legal Intern, January – June 2001.
- \* Montgomery Purdue Blankinship & Austin, PLLC, Law Clerk, June – August 2000.
- \* American Rivers, Legal Intern, June – September 1999.

**The Taipei Language Institute**, Taichung, Taiwan, Republic of China, October 1995 – July 1996.

- \* Completed intermediate Chinese conversation classes.

**The University of Michigan**, Ann Arbor, Michigan, *Bachelor of Arts (History)*, December 1992.

- \* Graduated with Honors (3.62 GPA) in three and a half years.

## **SERVICE, EXPERIENCE, & OTHER QUALIFICATIONS**

- \* Admitted to practice in the Supreme Court of the United States, the U.S. Court of Appeals for the Ninth Circuit, the U.S. District Court for the Eastern and Western Districts of Washington, and the Washington state courts.
- \* Northwest Fund for the Environment, President, 2020 – present; Board member, 2016 – present.
- \* Vashon Nature Center, Board of Directors and Secretary, 2018 – present.
- \* Olympic Forest Coalition, Board of Directors, 2010 – 2017.
- \* Puget Soundkeeper Alliance, Legal Committee, 2005 – 2008.
- \* Washington Environmental Council, Legal Committee, 2002 – 2007.
- \* Traveled extensively throughout South and Southeast Asia (Taiwan, the Philippines, Thailand, Laos, Vietnam, Cambodia, Hong Kong, Singapore, Indonesia, and India), Central America (Costa Rica, Nicaragua, Honduras, Guatemala, Mexico), the United States, and Canada.
- \* Other interests include fly-fishing, hiking, birding, reading, and spending time with my family.

## **PRESENTATIONS & PUBLICATIONS**

- \* Past frequent guest lecturer at law schools, including the University of Washington School of Law, Seattle University School of Law, Lewis & Clark Law School, Stanford Law School, and Harvard Law School.
- \* Author, *Enough is enough! Stormwater Discharged from Man-Made Pipes, Ditches, and Channels Along Logging Roads is Not Nonpoint Source “Natural Runoff”*, published by Lewis & Clark Law School in *Environmental Law*, 43 Envtl. L. 757 (2013).
- \* Author, *Are Clean Water Act permits required for stormwater pollution from industrial logging roads?*, published by the American Bar Association in *Trends*, Volume 43, Number 5, May/June 2012.
- \* Presenter, *The Clean Water Act and Logging Roads*, Pacific Northwest Timberlands CLE, Portland, Oregon, April 27, 2012.
- \* Presenter, *Northwest Environmental Defense Center v. Brown: Overview and Perspectives*, Public Interest Environmental Law Conference, Eugene, Oregon, March, 2011.
- \* Presenter, *Roads & Clean Water: New Tools for an Old Problem*, Public Interest Environmental Law Conference, Eugene, Oregon, February 2010.

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- \* Presenter, *Forest Roads as Point Sources?*, Pacific Northwest Timberlands CLE, Portland, Oregon, February 28, 2008.
- \* Presenter, *ESA Section 9 Actions Against State Agencies*, Public Interest Environmental Law Conference, Eugene, Oregon, March, 2008.
- \* Presenter, *Roads & Clean Water: New Tools for an Old Problem*, Public Interest Environmental Law Conference, Eugene, Oregon, March, 2006.
- \* Presenter, *Land Use Litigation for Environmental Protection*, Public Interest Environmental Law Conference, Eugene, Oregon, March, 2005.

## CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2021 I electronically filed this DECLARATION OF PAUL KAMPMEIER IN SUPPORT OF PLAINTIFF'S MOTION with the Clerk of the Court using the CM/ECF system which will send notification of such filing on the following:

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Dated this 1<sup>st</sup> day of July 2021.

LAW OFFICE OF KARL G. ANUTA, P.C.

/s/ Karl G. Anuta

KARL G. ANUTA (WSBA #21346)  
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